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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,522	12/08/2000	Neta J. Amit	2210	1989

7590 04/06/2007  
 LAW OFFICES OF ALBERT S. MICHALIK, PLLC  
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 SAMMAMISH,, WA 98074

EXAMINER
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THEIN, MARIA TERESA T

ART UNIT	PAPER NUMBER
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3627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/733,522

Applicant(s)

AMIT ET AL.

Examiner

Thein Marissa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's "Amendment and Response Under 37 CFR 1.111" filed on December 18, 2006 has been considered.

Claims 1-30 remain pending in this application.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "concentrate" is unclear. Does applicant mean merging or linking the first and second event request?

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "notification of an event of the event source corresponding to the base event" is unclear. What is the notification of an event of the event source related to?

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "an event instance corresponding to the base event from the event source" is unclear. Is this event instance the same as the notification of an event of the event source?

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "to which of the one or more event requests the event instance corresponds" is unclear. Is the one or more event requests the same as the first event request and the second event request?

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "thereto" is unclear. What is thereto related to?

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "in association" and "associated" is unclear. In association of what?

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "concentrating" is unclear. Does applicant mean merging or linking the first and second event request?

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "to which of the one or more event requests the event instance corresponds" is unclear. Is the one or more event requests the same as the first event request and the second event request?

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Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "each event corresponding to an event request" and the phrase "to register event requests" are unclear. Is each event corresponds to an event request more event requests the same as the registered events?

Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "notified of an event" is unclear. Is this notified event related to the "each event corresponding to an event request" or what?

Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "the switchbox providing the event" is unclear. What event it this related to?

Applicants' repetitive use of "event" is confusing to the Examiner.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-14 and 16-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,604,093 (Etzion et al.) in view of U.S. Patent No. 5,321,837 to Daniel et al.**

Regarding **claim 1**, Etzion et al. discloses a system for notifying clients of events of an event source (see column 17, lines 15-20), comprising: a first trigger engine configured to register event requests (see Figure 2, step 40), including first and second event requests; **[claim 2]** the data indicative of the event instance is provided in an event object (see column 8, lines 15-19); **[claim 4]** communication is over a network connection (see Figure 1); **[claim 5]** the first trigger engine includes at least one data structure (see column 12, lines 20-29); **[claim 6]** the first trigger engine is client; **[claim 7]** at least one of the event request corresponds to a job (the events perform jobs over a given time schedule); **[claim 8]** the first trigger engine is associated with a job scheduler component (each event is controlled by initiators and terminators); **[claim 10]** the job scheduler component includes at least one data structure (Table 1); **[claim 11]** the event-triggered criteria include a time event (each event is controlled by initiators and terminators); **[claim 12]** the event-trigger criteria include a job event corresponding to the completion status of at least one other job (complex events include multiple events that occur at different times); **[claim 13]** the event-triggered criteria are arranged as clauses of atoms, each atom corresponding to a request (see column 8, lines 58-60); **[claim 14]** communication by the first trigger engine is via a reliable protocol (inherent); and **[claim 16]** the first trigger engine includes a recovery process (it is inherent that time values are reset after each event is completed).

Etzion fails to disclose a second trigger engine, wherein the second trigger engine registers multiple event requests that are grouped with similar requests into a

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base request. Etzion discloses the system reacts to the situation by notifying a user of the system that the situation has occurred (col. 17, lines 16-19).

Daniel, on the other hand, teaches a second trigger engine, wherein the second trigger engine registers multiple event requests that are grouped with similar requests into a base request (event group 27) (col. 2, lines 19-54; col. 3, line 54 – col. 4, line 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Etzion et al. with registers multiple event requests that are grouped with similar requests into a base request, as taught by Daniel, in order to effectively, efficiently and cost reduced management of computer system's event streams (Daniel, col. 1, lines 60-61).

Regarding **claim 18**, the Examiner takes Official Notice that is old and well known to use an access checking mechanism.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Etzion et al. with access control as is well known in the art, because installing access control within a system provides the security necessary to insure the protection of enterprise data.

**Claims 19-28** are directed to a method of using the system of claim 1, wherein the combination of Etzion et al. and Brown discloses the method as described above in detail for the system.

**Claims 29 and 30** are directed to system similar to the system of claim 1, wherein the combination of Etzion et al. and Brown discloses the system of claim 29 as described above in detail for the system 1. Claim 15 is reje

**Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,604,093 (Etzion et al.) and U.S. Patent No. 5,321,837 to Daniel et al., as applied to claim 1 above, and in further view of U.S. Patent No. 6,658,485 to Baber et al.**

Regarding claims 15, Etzion and Daniel substantially discloses the claimed invention, however, it does not explicitly disclose the use of message queuing as the means of communication between the first and second trigger engines.

Baber, on the other hand, teaches the use of message queuing.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include message queuing, as taught by Barber, to enable message exchange between application (Baber, col. 1, lines 22-26), thus allowing a message sending process to operate very quickly (Baber, col. 1, lines 29-30).

### ***Response to Arguments***

Applicant's arguments filed December 18, 2006 have been fully considered but they are not persuasive.

Examiner has pointed numerous 112, second paragraph to better clarify the invention.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 571-272-6764. The examiner can normally be reached on M-F 8:00-5:00.

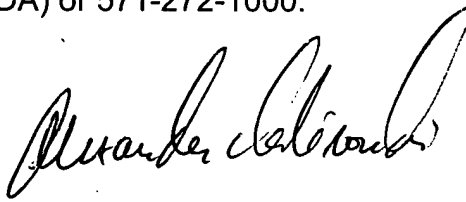


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mtot  
April 2, 2007



ALEXANDER KALINOWSKI  
SUPERVISORY PATENT EXAMINER